

REMARKS

Claims 1-52 are pending and subject to restriction and/or election requirement. In response to Applicants' arguments received on January 29, 2007, the previous election requirement was withdrawn in favor of the instant election requirement.

Election/Restriction

The Action stated that the instant application contains claims directed to the following patentably distinct species and requires restriction:

A: Bendable polymer:

- I: Fig. 2A
- II. Fig. 2C
- III. Fig. 2E

B: Additional material

- i. Biologically active agents and delivery material, and/or strength or rigidity imparting material
- ii. Radiopaque material
- iii. Material to alter resorption rate

The Action stated that the species are independent or distinct because they are separate embodiments that are not used together, they have different physical forms, and/or they have different modes of operation.

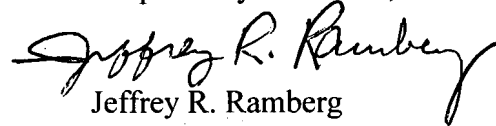
The Action stated that Applicant is required, pursuant to 35 U.S.C. §121, to elect a single disclosed species from EACH of the two groups (A AND B) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Action stated that no claims are generic. The Action acknowledged Applicant's previous assertion that that claims 1-10, 14-17, 19-28, 33-35, 37-42 and 47-52 are generic.

Applicant hereby elects, **without traverse**, to prosecute the species I and i. Applicant respectfully submits that Claims 1-42 and 45-52 are readable on the elected "I" species (Fig. 2A), and that Claims 1-13, 15-17, 19-31, 33-35, 37-43 and 47-52 are readable on the elected "i" species (biologically active agents and delivery material, and/or strength/rigidity imparting material).

US Application Ser. No. 10/619,721
Reply dated October 23, 2007
Reply to Office Action of April 18, 2007

Should the Examiner deem that any further action on the part of Applicant would be desirable, the Examiner is invited to telephone Applicant's undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey R. Ramberg". The signature is fluid and cursive, with a large, stylized initial "J".

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